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Federal Communications Commission
Office of Secretary

Before the

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)
	) IB Docket No 95-91
Establishment of Rules and Policies for	)
the Digital Audio Radio Satellite Service	) GEN Docket No. 90-357
in the 2310-2360 MHz Frequency Band	) RM No. 8610
	)
	)

TO: The Commission

COMMENTS OF SUSQUEHANNA RADIO CORP.

These comments are filed in response to the Further Notice of Proposed Rule Making on Terrestrial Repeaters contained within The Report and Order released March 3, 1997, in this General Docket.

Susquehanna Radio Corp. is a privately held company that has a history of more than 55 years as a radio broadcasting licensee. It began as the operator of a single AM facility and today owns or operates 5 AM and 13 FM stations. Susquehanna believes that the public interest as well as the interest of broadcasters will be best served by the eventual development of an In Band On Channel system of transmitting digital audio over the facilities of existing licensed AM and FM radio stations.

Susquehanna understands the rationale of the Commission's action in authorizing a satellite Digital Audio Radio Service "DARS" to satisfy a perceived need for such a service but has serious concern over the potential use or misuse of terrestrial boosters for these satellite DARS signals.

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List A B C D E

As a result of the auction that concluded on April 7, 1997, the successful applicants, CD Radio Inc. and American Mobile Radio Corporation, were required to submit updated technical information on their systems by May 16, 1997. The Commission, at the request of the NAB and Susquehanna, granted an extension of the filing date in this proceeding in order for Susquehanna and others to have the benefit of the updated technical information on the proposed booster implementation, in order to prepare its comments in this proceeding. However, with the exception of AMRC's proposed new concept of utilizing translators rather than "on channel" boosters, these submissions contained no technical description nor indication of the number of boosters required, nor their power or coverage.

With absolutely no technical data on the proposed terrestrial boosters, Susquehanna's comments will deal with the specific issues set forth in Appendix C of the Report and Order and Further Notice of Proposed Rulemaking.

Local Program Origination Prohibition

Susquehanna agrees with the Commission's tentative conclusion that these boosters should be prohibited from transmitting locally originated programming. Local origination, however restricted or controlled, would be contrary to the Commission's stated intent in authorizing a DARS system.

Licensing Requirements

If terrestrial boosters are to be authorized, Susquehanna agrees with the Commission's statement in the proposed rule to be added to section 25.144 which states; "Terrestrial gap-fillers may be implemented by a satellite DARS license only after obtaining prior Commission authorization ....

Susquehanna is concerned that any unlicensed boosters or boosters authorized under a blanket authorization for satellite licensees to build terrestrial boosters whenever and wherever they choose would have a detrimental effect on both the satellite DARS Licensee and on the public.

Only by licensing each individual booster, as is the case in the FM service, can the Commission insure that the operation of the booster will be restricted to its intended purpose of filling of gaps in a well designed satellite system.

DARS operators will be, by their very nature, a national service, and will have little or no local service connection. How will they insure that these boosters will be properly installed and maintained? A proliferation of unlicensed boosters could cause more harm than good. It is conceivable that, without close control by the Commission or the Licensee, unlicensed terrestrial boosters could end up being sold to the general public through "Electronic Boutique" stores.

Without restricted operation that can only be provided by individual licenses, the Commission could find itself in the position of having thousands of terrestrial boosters transmitting signals with no idea of where they are located or how they are operated. If this occurs, the Commission will have no method of insuring that these terrestrial boosters are operated as intended and are not used for local origination.

Susquehanna understands the Commission's concern that it would be burdensome on the part of the Commission and the Licensee, if the Licensee is required to seek a separate authorization for each individual booster. Never-the-less, the consequences of unlicensed boosters could be even more burdensome and problematic for both the Commission and the Licensee, if unlicensed or uncontrolled operation is permitted. The licensing of individual boosters can also insure that the number of boosters and their strategic placement will be both limited and utilized wisely in order to achieve their intended purpose, therefore, limiting the burden on the Commission and licensee.

Suggested Addition to the Proposed Rules

Susquehanna believes that, if terrestrial boosters are to be authorized, at a very minimum, the Commission should require that satellite DARS Licensees:

(a) be held directly responsible for the licensing of each individual terrestrial booster certifying the manufacturer of the equipment, power, bandwidth and antenna parameters of each booster. Each booster should be under the direct control of the Licensee and the Licensee should be held responsible for its proper operation.

(b) insure that each booster is designed and installed in a manner that will allow it to rebroadcast only the signal received from the satellite and the entire signal received from the satellite. These boosters should not function as a cellular network of terrestrial repeaters that simply utilize a satellite as a program source for a terrestrial network.

(c) be required to insure that if the satellite DARS service is interrupted for any reason all terrestrial boosters must

automatically have their emission terminated. No boosters utilized by a satellite DARS licensee should contain provisions for the insertion of other signals for either broadcasting or testing.

(d) The satellite DARS Licensee should at all times be held directly responsible for proper operation of each terrestrial booster. Any misuse or unauthorized operation of these boosters should be considered in the Commission's evaluation of the Licensee when the satellite DARS licenses are considered for renewal.

Translators Are Not Boosters

In the Amendment to its DARS application filed on May 16, 1997, American Mobile Radio Corporation now proposes to use 2.5 mHz. of its allocated spectrum for the exclusive use of what it is calling "terrestrial repeaters". These proposed translators operating on a separate 2.5 mHz frequency band could be developed to provide a relatively good terrestrial broadcast network. Portions of this network could be operated on a nationwide basis and other portions divided geographically as long as they are fed by a satellite source. Susquehanna believes that this is not what the Commission intended when it authorized a satellite DARS service nor is it what the Commission is considering for the addition of terrestrial boosters or gap fillers.

Throughout these proceedings there has been a multitude of references for the need for sufficient bandwidth to provide a viable satellite service that meets the demand for a wide variety of niche programming formats and to provide programs to serve the special interest that cannot be met by traditional broadcast services.

In the Report and Order issued on March 3, 1997 authorizing the DARS service the Commission states:

> "We conclude, based on the current record, that each DARS licensee will require at least 12.5 MHz to successfully implement an economically viable satellite DARS system. We believe that licensing less than 12.5 MHz would be insufficient to provide a critical mass of channels required for economic viability and could lead to significant power and cost constraints."

AMRC's new proposal to use less than the minimum bandwidth that the Commission determined to be necessary for a viable DARS system is not in the Public Interest. If the Commission would, at this point, allow the AMRC proposal of a 10 MHz satellite DARS allocation and a separate 2.5 MHz terrestrial DARS service, it may find itself at odds with other satellite DARS proponents that chose not to take part in the auction process.

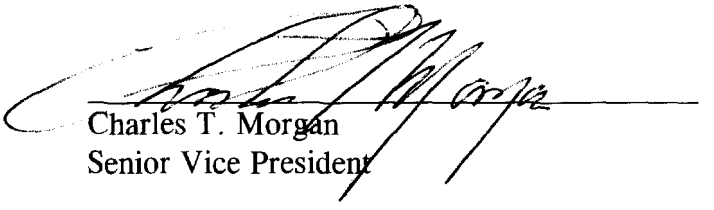
The AMRC proposal for reducing their allocated satellite DARS service by 20 percent, in order to obtain a 2.5 MHz terrestrial DARS network, is contrary to the service offered in the auction in which they participated. Susquehanna urges the Commission to flatly reject this proposed amendment.

Summary

In summary, Susquehanna believes that the Public Interest, the Commission and the satellite DARS Licensees will be best served by a limited and well controlled use of on-channel terrestrial boosters, designed to provide coverage in tunnels, urban canyons and areas that cannot be reached by a well designed satellite DARS service. Any other use of these boosters should be specifically prohibited in the rules.

Respectfully submitted,

SUSQUEHANNA RADIO CORP.



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